IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C.M. No.16249 of 2006 and
C.W.P. No. 15248 of 2003
Date of decision : November 17,2006

Poonam Devi V. Maharishi Daya Nand University and others

CORAM: HON'BLE MR. JUSTICE VINEY MITTAL

Present: Shri R.S.Sangwan,Advocate, for the petitioner.
B.L.Gupta, Advocate, for respondents No.1 and 2.
Shri Ashok Jindal,Additional Advocate General,Haryana for respondent No.3and 4.

Viney Mittal,J.(Oral)

C.M. No.16249 of 2006

Prayer made in the present application is allowed. Affidavit of Shri Anil Kumar, Special Secretary, Higher Education, Office of Financial Commissioner and Principal Secretary to Govt. Haryana ,Education Department, Chandigarh dated June 13,2006 is taken on record. CM stands disposed of.

CWP No.15248 of 2003

On the joint request of the learned counsel for the parties, the main case which is listed at item No.421 is being taken up for disposal.

Petitioner, Poonam Devi, has approached this Court through the present petition filed on September 23,2003,for

issuance of directions, commanding the respondents to admit her in M.A. Previous (Geography) in Government Post Graduate College, Narnaul. It has been claimed by the petitioner that having passed the B.A. examination, she had applied for admission to M.A. Previous for academic session 2003-04 along with all the requisite documents against 30 seats available with the College, respondent No.3. According to the petitioner, she was duly eligible for admission in the aforesaid course. The petitioner also claims the benefit of her being a backward (B) category candidate. According to the averments in the petition, the petitioner could not be admitted in the 30 seats which were initially available in the College. Thereafter six extra seats were created by the Vice Chancellor of Maharishi Dayanand University, Rohtak. Three more seats had fallen vacant. The petitioner maintains that the aforesaid nine seats were filled by the College, respondent No.3, illegally and ignoring the merit. In these circumstances, the petitioner has approached this court through the present petition.

It may be noticed that vide order dated November 25,2003, a Division Bench of this court had directed the Secretary Education, Haryana to call for the entire record of the University and College and submit a report to the court as to whether there was any justification for the Vice Chancellor to sanction the additional seats and direct admission of any particular students.

An enquiry report was, consequently, submitted by the aforesaid authority. The said enquiry report is available on the record. In the enquiry report dated December 4,2003, the Commissioner and Principal Secretary to Government Haryana, Education Department has reported that there was absolutely no

power with the Vice Chancellor to create the additional seats and order the admission of any particular candidates.

I have heard the learned counsel for the parties and have also gone through the record of the case.

Learned counsel appearing for the petitioner has contended that in view of the fact that the Enquiry Officer had found that the additional seats had been created wrongly by the Vice Chancellor and directions had been issued to admit particular candidates, therefore, the claim of the petitioner stands substantiated and the petitioner is entitled to the relief sought by her.

On the other hand, learned counsel appearing for the respondents have contended that as per the enquiry report submitted by the Secretary Education, it is apparent that the then Vice Chancellor of the University had absolutely no power to order the creation of new seats and order admission of any particular candidates. Learned counsel appearing for the respondents maintain that, in any case, the aforesaid enquiry report cannot be relied upon by the petitioner because the petitioner on her own showing had not been admitted against the original seats available with the College and since the creation of the new seats was found to be wrong, therefore, the petitioner cannot claim any benefit of the aforesaid additional seats.

Shri B.L.Gupta, learned counsel appearing for the respondent-University has further pointed out that the petitioner, in the academic session 2003-04, had taken admission in M.A. (English) in the College-respondent No.3, and as such, could not claim to have suffered in any manner. Learned counsel also points out that in any case Session 2003-04 for M.A. Previous year and the

subsequent Session of 2004-05 for M.A. Final year has already been completed and, as such, the relief claimed by the petitioner has become infructuous.

Shri Ashok Jindal, learned counsel appearing for the State Government has also relied upon the affidavit dated June 13,2006 filed by the Special Secretary, Higher Education, Government of Haryana whereby it has been pointed out that the then Vice Chancellor General(Retd.) B.S.Suhag had resigned from the post of Vice Chancellor on March 29,2004 and thereafter the Chancellor, Maharishi Dayanand University, Rohtak (Governor of Haryana) had ordered the matter to be closed.

Keeping in view the stand taken by the respondents and also the fact that the academic session to which the petitioner had sought admission has already since expired, the present petition has been rendered infructuous and is disposed of accordingly.

A copy of the order be given dasti on usual charges.

November 17,2006 (Viney Mittal)
sks Judge